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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,275	02/07/2005	Andreas Myka	617-011874-US (PAR)	9842
2512	7590	08/10/2006	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			ADAMS, CHARLES D	
			ART UNIT	PAPER NUMBER
			2164	

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/502,275	MYKA ET AL.	
	Examiner	Art Unit	
	Charles D. Adams	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) ¹⁻¹³~~1-6~~ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) ¹⁻¹³~~1-6~~ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7-22-04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-2, 4-5, 6-7 and 9-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the repositories" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "said objects" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the repository" in line 7 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claims 1 and 6 contain subject matter that is optionally recited. As such, the claims bear no patentable weight. See MPEP § 2106 Section II(C):

The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

- (A) statements of intended use or field of use,
- (B) "adapted to" or "adapted for" clauses,
- (C) "wherein" clauses, or

(D) “whereby” clauses.

This list of examples is not intended to be exhaustive. >See also MPEP § 2111.04.<

Claims 2, 4-5, 7, and 9-10 recite a limitation of “and/or”. This is indefinite, as “and” and “or” are two different functions, with different meanings. For the purposes of this Office Action, the conditions have been read as “or”.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3 and 6-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Jeong et al. (US Pre-Grant Publication 2002/0072355).

As to claim 1, Jeong et al. teaches a system for providing access to stored objects or mobile users, the system comprising:

A mobile terminal provided with means for acquiring personal content, the mobile terminal being adapted to be in wireless communication with a telecommunications network (see paragraph [0032]),

Storage means in the mobile terminal, the storage means being adapted to store the personal content acquired (see paragraph [0041]),

At least one remote data repository connected to the telecommunications system for storing personal content, whereby at least one of the repositories is assigned for the use of each mobile terminal (see paragraph [0032]),

Means adapted to transfer selected personal content between the remote data repository and the storage means through said telecommunications system, the means to include predetermined criteria, the fulfillment of which initiates said transfer (see paragraphs [0040]-[0041], [0062]-[0063] and [0066]),

the mobile terminal further provided with means for accessing stored personal content wherein:

i) the means are adapted to request an object including stored personal content from the storage means in the mobile terminal (see paragraphs [0062] and [0063]. If the client desires to run a program, but the application software doesn't exist on the mobile device, the device requests it),

ii) the storage means are adapted to respond with a predetermined return code if the requested object is not located in said storage means (see paragraphs [0062] and [0063]. If the client desires to run a program, but the application software doesn't exist on the mobile device, the device requests it), and

iii) the means are further arranged to request the object from the remote data repository if the return code indicates that the requested object is not located in said storage means (see paragraphs [0062] and [0063]. If the client desires to run a

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program, but the application software doesn't exist on the mobile device, the device requests it).

As to claim 2, Jeong et al. teaches the system further comprising a server connected to said remote data repository, for managing said objects and information extracted and/or generated from said objects, the objects and information being the personal content stored in the remote data repository (see paragraph [0031] and Figure 2).

As to claim 3, Jeong et al. teaches means in the server for updating the information related to said object to indicate that the object has been requested by the mobile terminal (see paragraphs [0066]-[0067]. A user can subscribe, thus updating information related to the object) and

Means for storing the updated information in the remote data repository (see paragraphs [0066]-[0067]. A user can subscribe, thus updating information related to the object),

As to claim 6, Jeong et al. teaches a method for providing access to stored objects for mobile users, the method comprising:

Acquiring personal content in the mobile terminal adapted to be in wireless communication with a telecommunications network (see paragraph [0032]),

Storing the personal content acquired in the mobile terminal (see paragraph [0041]),

Assigning at least one remote data repository for the use of each mobile terminal, the repository being connected to the telecommunications system for storing personal content (see paragraph [0032]),

Transferring selected personal content between the remote data repository and the mobile terminal through said telecommunications system, the means to include predetermined criteria, the fulfillment of which initiates said transfer (see paragraphs [0040]-[0041], [0062]-[0063] and [0066]),

Accessing stored personal content from the mobile terminal by:

i) requesting an object including stored personal content (see paragraphs [0062] and [0063]. If the client desires to run a program, but the application software doesn't exist on the mobile device, the device requests it),

ii) receiving a predetermined return code if the requested object is not located in the mobile terminal (see paragraphs [0062] and [0063]. If the client desires to run a program, but the application software doesn't exist on the mobile device, the device requests it), and

iii) further requesting the object from the remote data repository if the return code indicates that the requested object is no located in the mobile terminal (see paragraphs [0062] and [0063]. If the client desires to run a program, but the application software doesn't exist on the mobile device, the device requests it).

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As to claim 7, Jeong et al. teaches the method further comprising the step of connecting a server to said remote data repository for managing objects and information extracted and/or generated from said objects, the objects and information forming the personal content stored in the remote data repository (see paragraph [0031] and Figure 2).

As to claim 8, Jeong et al. teaches the method further comprising the steps of:

Updating the information related to said objects to indicate that the object has been requested by the mobile terminal (see paragraphs [0066]-[0067]. A user can subscribe, thus updating information related to the object) and

Storing the updated information in the remote data repository (see paragraphs [0066]-[0067]. A user can subscribe, thus updating information related to the object).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-5 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeong et al. (US Pre-Grant Publication 2002/0072355) in view of Peng (US Pre-Grant Publication 2002/0078209).

As to claim 4, Jeong et al. teaches a system according to claim 1.

Jeong et al. does not teach the system further comprising means in the mobile terminal for updating a register of the objects and/or extracted data stored at least at one point in time in the mobile terminal storage means.

Peng teaches the system further comprising means in the mobile terminal for updating a register of the objects and/or extracted data stored at least at one point in time in the mobile terminal storage means (see paragraph [0054]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Jeong et al. by the teaching of Peng, since Peng teaches that "it is desirable to provide apparatus and methods for providing intelligent applications/data management in mobile device systems. It is further desirable to provide apparatus and methods to efficiently synchronize gateways in mobile device systems" (see paragraph [0007]).

As to claim 5, Jeong et al. as modified teaches wherein said updating includes marking deleted and/or transferred objects and/or extracted data that has been transferred to the remote data repository (see Peng paragraph [0054]. The system includes data such as timestamp and frequency of each data update. This is marking transferred objects).

As to claim 9, Jeong et al. teaches a method according to claim 6.

Jeong et al. does not teach the method further comprising the step of subsequently updating a register of the objects and/or extracted data stored in the mobile terminal storage means.

Peng teaches the method further comprising the step of subsequently updating a register of the objects and/or extracted data stored in the mobile terminal storage means (see paragraph [0054]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Jeong et al. by the teaching of Peng, since Peng teaches that "it is desirable to provide apparatus and methods for providing intelligent applications/data management in mobile device systems. It is further desirable to provide apparatus and methods to efficiently synchronize gateways in mobile device systems" (see paragraph [0007]).

As to claim 10, Jeong et al. as modified teaches wherein said updating includes marking deleted and/or transferred objects and/or extracted data that has been transferred to the remote data repository (see Peng paragraph [0054]. The system includes data such as timestamp and frequency of each data update. This is marking transferred objects).

Conclusion

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles D. Adams whose telephone number is (571) 272-3938. The examiner can normally be reached on 8:30 AM - 5:00 PM, M - F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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PRIMARY EXAMINER